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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,072	07/26/2001	Hideki Kayama	L9289.01163	4567
7590	06/24/2004		EXAMINER	
Stevens Davis Miller & Mosher Suite 850 1615 L Street NW Washington, DC 20036			TRINH, TAN H	
			ART UNIT	PAPER NUMBER
			2684	6
DATE MAILED: 06/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/890,072	KAYAMA ET AL. 	
	Examiner TAN TRINH	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 July 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 and 5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on 7-26-2001 and 10-30-2003 has been received and placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanai (U.S. Patent No. 5,386,589).

Regarding claims 1 and 7, Kanai teaches a radio communication apparatus (see fig. 3) comprising: a decoder for performing decoding processing on receive data every decoding unit (see fig. 3, and col. 6, lines 64-68 and col. 5, lines 24-25, Kanai inherently teach the decoder for performing decoding processing on receive data, Since the receivers of the portable telephone set can be demodulation on voice or data); a judging unit for judging the presence or absence of errors in decoded receive data every transmission unit (see fig. 4, col. 7, line 50-col. 8, lines 15); an updater for updating a reference value of a value indicating reception quality according to the presence or absence of errors (see fig. 4, col. 2, line 5-col. 3, line17 and col. 11, lines 26-50); and a generator for generating a transmission power control bit according to the result of comparison of an updated reference value and a value indicating measured reception quality (see figs. 4-5, col. 2, line 5-col. 3, line17 and col. 11, lines 26-50); wherein the updater, when an error is

detected, increments the reference value a predetermined number of times within a decoding unit (see figs. 4-9, item 104, and col. 8, lines 26-53 and col. 11, lines 26-50).

Regarding claim 2, Kanai teaches wherein the updater increments the reference value by a predetermined increment width only when an error is first detected within a decoding unit (see fig. 4, item 104, and col. 7, line 50-col. 8, line 53).

Regarding claims 3 and 8, Kanai teaches a counter for counting the number of errors within a decoding unit; wherein the updater, when an error is not detected, decrements a reference value by a decrement width that is in accordance with the number of errors counted by the counter (see figs. 4 and 9, col. 2, lines 5-33).

Regarding claim 4, Kanai teaches wherein the updater increases the decrement width proportionately as the number of errors increases (see col. 2, lines 33-57).

Regarding claim 5, Kanai teaches a communication terminal apparatus incorporating a radio communication apparatus (see fig. 3), the radio communication apparatus comprising: a decoder for performing decoding processing on receive data every decoding unit (see fig. 3, and col. 6, lines 64-68 and col. 5, lines 24-25, Kanai inherently teach the decoder for performing decoding processing on receive data, Since the receivers of the portable telephone set can be demodulation on voice or data); a judging unit for judging the presence or absence of errors in decoded receive data every transmission unit (see fig. 4, col. 7, line 50-col. 8, lines 15); an

updater for updating a reference value of a value indicating reception quality according to the presence or absence of errors (see figs. 4-5, col. 2, line 5-col. 3, line17 and col. 11, lines 26-50); and a generator for generating a transmission power control bit according to the result of comparison of an updated reference value and a value indicating measured reception quality (see figs. 4-5, col. 2, line 5-col. 3, line17 and col. 11, lines 26-50 ); wherein said updater, when an error is detected, increments said reference value a predetermined number of times within a decoding unit (see figs. 4-9, item 104, and col. 8, lines 26-53 and col. 11, lines 26-50).

Regarding claim 6, Kanai teaches a base station apparatus incorporating a radio communication apparatus (see fig. 1), the radio communication apparatus comprising: a decoder for performing decoding processing on receive data every decoding unit (see fig. 3, and col. 6, lines 64-68 and col. 5, lines 24-25, Kanai inherently teach the decoder for performing decoding processing on receive data, Since the receivers of the portable telephone set can be demodulation on voice or data); a judging unit for judging the presence or absence of errors in decoded receive data every transmission unit (see fig. 4, col. 7, line 50-col. 8, lines 15); a judging unit for judging the presence or absence of errors in decoded receive data every transmission unit (see fig. 4, col. 7, line 48-col. 8, lines 15); an updater for updating a reference value of a value indicating reception quality according to said presence or absence of errors (see figs. 4-5, col. 1, line 61-col. 3, line17 and col. 11, lines 26-50); and a generator for generating a transmission power control bit according to the result of comparison of an updated reference value and a value indicating measured reception quality (see figs. 4-5, col. 2, line 5-col. 3, line17 and col. 11, lines 26-50 ); wherein said updater, when an error is detected, increments said reference value a predetermined

number of times within a decoding unit(see figs. 4-9, item 104, and col. 8, lines 26-53 and col. 11, lines 26-50).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamabe (U.S. Patent No. 6,070,084) discloses cellular system.

Dohi (U.S. Patent No. 6,341224) discloses power controller for mobile communication system wherein a signal to interference threshold is dynamically move based on an error rate measurement.

### ***Conclusion***

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Art Unit: 2684

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh  
Art Unit 2684  
June 10, 2004



**NICK CORSARO**  
**PATENT EXAMINER**